

Apr 12 06 12:53p

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APR 12 2006

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| | | |
|------------------|---|-----------------------------|
| To: | Examiner Twyler Marie Lamb (2622) | Re: 09/847,644 Response |
| Firm: | United States Patent and Trademark Office | Date / Time: April 12, 2006 |
| Street Address: | Phone: | |
| City, State Zip: | Washington, D.C., 20231 Fax: (571) 273-8300 | |
| cc: | No. of Pages: 5 (including cover) | |

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Message:

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Date: April 12, 2006

Signed:

Peter K. Trzyna (Reg. No. 32,601)

PATENT

Paper No.

File: Proflowers-P2-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|----------------|---|---|
| Inventors | : | David McCarter, Jared Schutz |
| Serial No. | : | 09/847,644 |
| Filed | : | May 2, 2001 |
| For | : | GENERATING A COURIER SHIPPING LABEL OR THE LIKE, INCLUDING AN ORNAMENTAL GRAPHIC DESIGN, AT A NON-COURIER PRINTER |
| Group Art Unit | : | 2622 |
| Examiner | : | Twyler Marie Lamb |

MS: No Fee Amendment
Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-14501

TRANSMITTAL LETTER

SIR:

For the above-identified patent application, please enter the following:

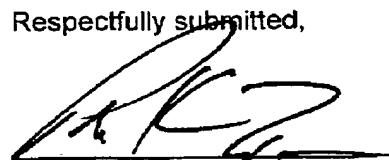
1. Response.

APPLICANT CLAIMS SMALL ENTITY STATUS. The Commissioner is hereby authorized to charge any fees associated with the above-identified patent application or credit any overcharges to Deposit Account No. 50-0235.

09/847,644

Please direct all correspondence to the undersigned at the address given below.

Respectfully submitted,



Peter K. Trzyna
(Reg. No. 32,601)

Date: April 12, 2006

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Date: April 12, 2006

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File: Proflowers-P2-01

Signed: Peter K. Trzyna (Reg. No. 32,601)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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For : GENERATING A COURIER SHIPPING LABEL OR THE LIKE, INCLUDING AN ORNAMENTAL GRAPHIC DESIGN, AT A NON-COURIER PRINTER
Group Art Unit : 2622
Examiner : Twyler Marie Lamb

MS: No Fee Amendment
Honorable Commissioner of Patents
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Alexandria, VA 22313-14501

RESPONSE

SIR:

In response to the rejection mailed 8 March 2006, the Examiner is requested to reconsider the application in view of the remarks set forth below.

The Office Action states that claims 1-52 are pending and rejected. However, the application has claims through claim 79. Therefore the rejection is improper.

The Office Action at page 5 responds to Applicant's Remarks in the RCE filing. 35 U.S.C. § 132 requires that "[w]henever, on examination, any claim is rejected, the Commissioner

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shall notify the applicant... stating the reasons for such rejection... together with such information as may be useful in judging the propriety of continuing prosecution...."

Pursuant to Sec.132, the Examiner is respectfully requested to identify what is contended to be the claimed courier computer in the art cited upon which the rejection is premised, and more particularly, what meaning is being given to the claim term courier in the rejection and cited art. See, e.g., claim 1. The Examiner's attention is respectfully drawn to Applicant's RCE Remarks at page 21.

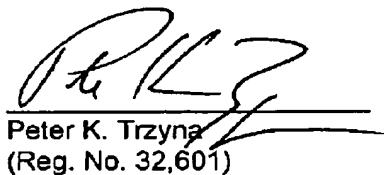
Pursuant to Sec.132, the Examiner is respectfully requested to identify what is contended to be the "list of goods" in the cited art, as per the Examiner's dictionary definition of waybill, in the art cited in the rejection. See, e.g., claim 1. The Examiner's attention is respectfully drawn to Applicant's RCE Remarks at page 22.

The rejection is improper for failing to consider all pending claims, and the Sec. 132 requirement of providing "such information as may be useful in judging the propriety of continuing prosecution" necessitates further explanation by the PTO.

APPLICANT CLAIMS SMALL ENTITY STATUS. The Commissioner is hereby authorized to charge any fees associated with the above-identified patent application or credit any overcharges to Deposit Account No. 50-0235.

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Respectfully submitted,



Peter K. Trzyna
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Date: April 12, 2006

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